

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MATTHEW TRAVON JONES	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:09CV633 LG-JMR
	§	
DONALD A. CABANA, PHILLIP TAYLOR, and JOE COLLINS	§	DEFENDANT
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on May 17, 2010. Magistrate Judge Roper reviewed Motion to Dismiss filed by the Defendants after the Discovery Requests they had mailed to the Plaintiff were returned as unclaimed. Judge Roper then went to some effort to locate the Plaintiff, who had been released from the Mississippi Department of Corrections on house arrest, and verified the address of his residence. Judge Roper issued a show cause order, which was returned as undeliverable on April 26, 2010. A second show cause order was returned as unclaimed. The Plaintiff has never responded to the Orders or otherwise communicated with the Court. Magistrate Judge Roper determined that Plaintiff's inaction showed a lack of interest in pursuing this case, and therefore the Defendants' Motion should be granted and the case dismissed pursuant to FED. R. CIV. P. 41(b).

The Plaintiff did not file an objection to the Report and Recommendation. Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and

recommendations to which objection is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court, being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on May 17, 2010 [47] should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants’ Motion [36] to Dismiss is **GRANTED**. Plaintiff’s case is **DISMISSED** without prejudice pursuant to FED. R. Civ. P. 41(b).

SO ORDERED AND ADJUDGED this the 15th day of June 2010.

s/ *Louis Guirola, Jr.*
Louis Guirola, Jr.
United States District Judge